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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,246	12/17/2001	Scott T. Becker	ARTCP012B	8218

7590 03/28/2005

Albert S. Penilla  
Martine & Penilla, LLP  
710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94087

EXAMINER
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FERRIS III, FRED O

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,246	BECKER, SCOTT T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fred Ferris	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. *Claims 1-14 have been presented for examination based on applicant's amendment filed on 1 November 2004. Claims 1-14 remain rejected by the examiner.*

### **Response to Arguments**

2. *Applicant's arguments filed on 1 November 2004 with respect to claims 1-14 have been fully considered.*

*Regarding applicant's response to drawing objections:* *Applicant's drawing changes filed on 1 November 2004 have been approved by the examiner. The objection to the drawings is withdrawn.*

*Regarding applicant's response to the objection to the specification:* *The examiner withdraws the objection to the specification in view of applicant's amendment to the specification filed on 1 November 2004.*

*Regarding applicant's response to 112(1) rejection:* *The examiner withdraws the 112(1) rejection in view of applicant's arguments, amendment to the specification, and clarification of issues relating to "word width" definition for pairs of bitlines filed on 1 November 2004.*

*Regarding applicant's response to double patenting rejection under 35 U.S.C. 101:* *The examiner withdraws the double patenting rejection under 35 U.S.C. 101 of claims 1-14 in view of applicant's amendment to the claims and arguments filed 1 November 2004.*

*Regarding applicant's response to obviousness type double patenting rejection:*

*The examiner withdraws the obviousness type double patenting rejection of 1-14 in view of applicant's Terminal Disclaimer filed 1 November 2004. However, the examiner has now applied new provisional obvious-type double patenting rejections to claims 1-14 in view of copending application No. 10/026,245.*

*Regarding applicant's response to 103(a) rejection: The examiner withdraws the 103(a) rejection in view of applicant's amendment to the claims, amendment to the specification, and arguments clarifying the issues relating to flipped core cells filed on 1 November 2004.*

### **Double Patenting**

2. *Claims 1-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/026,245. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-14 of the present invention merely claim the method for designing the same device design limitations as recited in claims 1-11 of copending application 10/026,245.*

*This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. (Although the examiner notes that a notice of allowance has now been issued in application 10/026,245)*

*Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-14 of the present invention include the same limitations and are equivalent in function to claims 1-11 of copending Application No.*

10/026,245. For example, independent claim 1 of the present invention includes the following limitations that are also recited in independent claim 1 of copending application 10/026,245:

- memory core having depth defined by words
- word width defined by pairs (global/complementary) of bitlines
- core cell having complementary bitlines
- flipped core cell with flipped complementary bitlines
- core cell followed by flipped core cell pairs of global bitlines and global complementary bitlines.

The examiner notes that the claimed limitations of independent claim 1 of the present invention, are nearly identical in verse, and appear to be equivalent in function to the limitations of independent claim 1 of copending application 10/026,245. That is, obviously the device limitations as recited in claim 1 of copending application 10/026,245, are inclusive to the method of designing the memory device as recited in the present invention.

The examiner therefore asserts that it would have been obvious to a skilled artisan to include the method of designing the memory device, as recited in the limitations of independent claims 1-14 of the present invention, as part of the memory device as recited in the limitations of claims 1-11 of copending Application no. 10/026,245 as noted above. Independent claim 12 and dependent claims 2-11 and 13-14 similarly recite equivalent limitations over the combined limitations of claims 2-10 and 11 of copending Application No. 10/026,245.

*This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.*

### **Conclusion**

4. *Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

*A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.*

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the*

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*examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

*Fred Ferris*, Patent Examiner  
Simulation and Emulation, Art Unit 2128  
U.S. Patent and Trademark Office  
Randolph Building, Room 5D19  
401 Dulany Street  
Alexandria, VA 22313  
Phone: (571-272-3778)  
Fred.Ferris@uspto.gov  
March 21, 2005

  
JEAN R. HOMERE  
PRIMARY EXAMINER